

Agenda
Ninety-fourth Regular or Special Meeting
of the Twenty-Fifth Town Council of Highland
(Rescheduled) Regular/ Special Meeting of Tuesday, May 29, 2007 at 7: 00 p.m.
6:30 p.m. study session

**Pledge of
Allegiance:**

Prayer:

Roll Call:

Bernie Zemen

Mark A. Herak

Robert Helmer

Joseph Wszolek

Daniel Dernulc

**Minutes of
Previous Session:**

Minutes of the Regular Meeting of 14 May 2007.

Special Orders:

1. **Public Hearing.** Considering the matter of the proposed establishment of a General Improvement District to be associated with a project to improve the 8700-8900 block of Cottage Grove Avenue to be known as the **Branton Avenue Reconstruction Project** financing the cost of these improvements through the Municipal General Improvement Fund. (Works Board Order 2007-05)
 - (a) Verification of Proofs of Publication. (IC 5-3-1;IC 36-9-17) The TIMES: XX May 2007
 - (b) Read Notice of Hearing.
 -) (Public Hearing Issue: Whether the benefits that will accrue to the property liable to be assessed for the improvement will equal the maximum estimated cost of the improvement.
 - (d) Close public hearing.
 - (e) Consideration of **Works Board Order No. 2007-06.**

**COMMENTS FROM
THE PUBLIC for
TOPICS on the
AGENDA**

This portion of the Town Council Meeting is reserved for persons who desire to address the Town Council. Depending on the nature of the comments, the Town Council may direct the staff to address the topic or follow-up on matters that may arise from public comments. Persons addressing the Town Council are requested to limit their presentations to **three (3) minutes** and to try to avoid repetitious comments.

**Unfinished
Business &
General Orders:**

1. **CDR 2007-19:** A Council Decision Request Reporting Bids received and authorizing a contract for the hart Road Sanitary Sewer Extension Project.

Since the Town intends to utilize Community Development Block Grant (CDBG) funds to assist with the cost of this project to underwrite assessments of income eligible property owners, the Council, rather than the Sanitary District, would be the contracting entity for this project. Bids for this project were opened on April 12th. A public hearing on the proposed assessments was held at the Sanitary District's meeting of May 15, 2007.

**Unfinished Business
& General Orders
continued:**

2. **Proposed Ordinance No. 1356:** An Ordinance Amending the Municipal Code and Establishing a so-called "Rainy Day Fund", pursuant to IC 36-1-8-5.5. *Expenditures from the Rainy Day Fund would be used for temporary transfers to other funds of the town for cash flow purposes to meet debt service, payroll and monthly accounts payable when tax revenues are not received in a timely manner to mitigate interest expense on tax anticipation debt. Transfers from the Rainy Day Fund to other funds would be characterized as interfund loans to be retired as prescribed by state statute. An ordinance approved by the affirmative vote of four (4) members of the Town Council would enable a temporary or permanent transfer of assets of the Rainy Day Fund to another fund of the town for any lawful purpose authorized by state statutes.*
3. **Proposed Ordinance No. 1357:** An Ordinance Amending Chapters 131, 72 and 73 of the Highland Municipal Code, regarding the Ordinance Violations Bureau, payable fines and authorizing Volunteers In Police Service to write certain non-moving ordinance violations.
This ordinance is proposed on request of the Police Chief to enable properly trained Volunteers in Police Service (VIPS) to write citations for handicapped parking violations and fire lane violations. The town attorney has been asked to render an opinion whether state statutes enable VIPS personnel to write citations for snow route violations. The Council is asked to update the schedule of payable offenses (fines) consistent with the current statutory cap that has been raised from \$100.00 to \$250.00. Old or unenforceable language would be repealed.
4. **Proposed Ordinance No. 1358:** An Ordinance to Amend the Compensation and Benefits Ordinance commonly called the Personnel Handbook regarding the High Deductible Option Employee Group Health Insurance, changing the lumps sum employer contribution to a quarterly figure, and identifying different fund source(s) for the contribution.
The town manager recommends Employer contribution come from the funds which will be financing the employee's payroll expense since the Self Insurance Fund may be dissolved shortly with its assets transferred to a Rainy Day Fund.

NEW BUSINESS:

**Committee/Liaison
Reports**

-
1. Ordinances filed or introduced for first reading. (If any)
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Councilor Bernie Zemen: Town Board of Metropolitan Police Commission Liaison • Traffic Safety Commission Member • Park and Recreation Board Liaison

Councilor Mark Herak: Waterworks Board Liaison • Fire Personnel Committee.

Councilor Robert Helmer: Board of Sanitary Commissioners Liaison • Lake County Solid Waste Management District Board of Directors member.

Councilor Joseph Wszolek: Advisory Board of Zoning Appeals Liaison • Chamber of Commerce Liaison • Building and Inspection Department Committee • Plan Commission member • Joint Board of Delegates SEAC member • Building and Inspection Committee.

Councilor Daniel Dernulc: Town Executive • Police Pension Board of Trustees Chair • Finance Committee Chair • Redevelopment Commission Liaison.

**COMMENTS FROM
THE PUBLIC for
Matters NOT on the
AGENDA**

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ACTION TO PAY
Accounts Payable
Vouchers

ADJOURNMENT The Town Council will meet in study session immediately following the Regular Meeting.
Posted pursuant to IC 5-14-1.5-4(a)

**TOWN OF HIGHLAND
ORDER OF THE WORKS BOARD NO. 2007-06**

**AN ORDER CONFIRMING WORKS BOARD ORDER NO. 2007-05 ENTITLED
"PRELIMINARY ORDER FOR THE BRANTON AVENUE RECONSTRUCTION
PROJECT AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL
IMPROVEMENT FUND AND SPECIAL ASSESSMENTS FROM PROPERTY OWNERS
BENEFITING FROM SUCH IMPROVEMENTS"**

Whereas, On May 14, 2007, the Town Council of the Town of Highland, Indiana adopted Works Board Order No. 2007-05 entitled *"Preliminary Order for Branton Avenue Reconstruction Project and Financing thereof through Municipal General Improvement Fund and Special Assessments from Property Owners Benefiting from such Improvements"*, a copy of which is attached hereto and incorporated herein; and

Whereas, The Town Council has held a Public Hearing, after publication and mailing of notice as required by law, and has heard all interested persons regarding Works Board Order No. 2007-05; and

Whereas, The Town Council now desires to confirm Works Board Order No. 2007-05.

Now Therefore, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby determines that the benefits that will accrue to the property liable to be assessed for the improvements (as defined in Works Board Order No. 2007-05) will be in excess of the maximum estimated cost of the improvement.

Section 2. That the Town Council hereby confirms Works Board Order No. 2007-05.

Section 3. That the Town Council hereby orders that the improvements be completed and hereby determines to levy special assessments against the owner of property to be benefited by the improvements in a total amount not to exceed the estimate of maximum cost for the Improvements, which assessments are to be levied upon completion of the Improvements and determined in accordance with the provisions of I.C. 36-9-36.

Be it So Ordered.

Duly adopted and Ordered by the Town Council of the Town of Highland, Lake County, Indiana, this 29th day of May 2007 by a vote of _____ in favor and _____ opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

Daniel E. Dernulc, President

Attest:

Michael W. Griffin, Clerk-Treasurer

EXHIBIT

TOWN OF HIGHLAND ORDER OF THE WORKS BOARD NO. 2007 - 05

PRELIMINARY ORDER FOR THE BRANTON AVENUE RECONSTRUCTION PROJECT AND FINANCING THEREOF THROUGH MUNICIPAL GENERAL IMPROVEMENT FUND AND SPECIAL ASSESSMENTS FROM PROPERTY OWNERS BENEFITING FROM SUCH IMPROVEMENTS

Whereas, pursuant to IC 36-1-2-24, the Town Council is the works board for the Town of Highland, Indiana (the "Town"); and

Whereas, pursuant to Ordinance No. 1084, adopted by the Town Council on March 23, 1998, the Town has established a Municipal General Improvement Fund to provide monies to construct, repair, reconstruct or improve certain streets, alleys, sidewalks, curbs, gutters and sewers within the Town; and

Whereas, several residents of the 8700-8900 block of Branton Avenue have requested consideration of the Town of Highland to install concrete curbs and to replace substandard sidewalks; and

Whereas, the cost for curb and sidewalk replacement shall be paid for by the adjoining property owners based upon front footage of their property through a special assessment pursuant to the Special General Improvement District statute; and,

Whereas, the Town Council desires to proceed with the **Branton Avenue Reconstruction Project** and to finance the portion of the cost of such projects relating to reconstruction of curbs and sidewalks (each such portion of a project, an "Improvement") through the Municipal General Improvement Fund; and

Whereas, the Town has retained Garcia Consulting to prepare plans and specifications for the **Branton Avenue Reconstruction Project**; and

Whereas, the Town desires to finance the costs of the improvements pursuant to assessments to be collected from the property owners benefited by the respective proposed improvements as set forth in IC 36-9-36.

Now Therefore, be it resolved by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby makes a preliminary determination to proceed with the **Branton Avenue Reconstruction Project** and to finance the cost of the improvements through the Municipal General Improvement Fund and the collection of special assessments from property owners benefited by the respective improvements pursuant to IC 36-9-36.

Section 2. That the Town Council hereby adopts the plans and specifications for the projects and directs the Project Engineer to place on file cross-sections, general plans and specifications for each of the improvements.

Section 3. That the Town Council hereby adopts the estimate of the maximum cost of each of the improvements attached hereto as Exhibit A and directs the Clerk Treasurer to place such estimate of maximum costs on file in the office of the Town Council.

Section 4. That the Town Council hereby determines to hold a public hearing regarding each of the improvements and whether the benefits that will accrue to the property

liable to be assessed for the respective improvements will equal the maximum estimated cost of each of the improvements, which public hearing will be held at the regular meeting place of the Town Council at 7:00 P.M. on May 29, 2007, and the Town Council further directs the Clerk Treasurer to publish notice of such hearing and to mail notice of such hearing to property owners affected by the respective improvements.

Be it So Ordered.

Duly adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 14th day of May, 2007 by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF
HIGHLAND, INDIANA**

/s/ Dan Dernulc, President

Attest:

/s/ Michael W. Griffin, Clerk-Treasurer

CDR Z007-19

Hold for Above

ORDINANCE NO. 1356
of the
TOWN of HIGHLAND, INDIANA

**AN ORDINANCE ESTABLISHING A RAINY DAY FUND BY A RESIDUAL
EQUITY TRANSFER OF ALL UNENCUMBERED CASH AND
INVESTMENTS IN THE SELF INSURANCE FUND TO ACCUMULATE A
CASH FLOW RESERVE TO MITIGATE INTEREST EXPENSE ON TAX
ANTICIPATION WARRANTS**

WHEREAS, The Town Council is the fiscal body of the Town of Highland;

WHEREAS, IC 36-1-8-5 enables municipalities to establish a Rainy Day Fund whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund; and,

WHEREAS, IC 36-1-8-5.1 enables municipalities to establish a Rainy Day Fund by the adoption of an ordinance specifying the purposes of the fund and the sources of funding for the fund; and,

WHEREAS, IC 36-1-8-5.1(f) provides that the state department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the Rainy Day Fund of the political subdivision; and,

WHEREAS, IC 36-5-2-9 provides that the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, IC 36-1-3-4 provides that the powers units have under IC 36-1-3-4(b)(1) are listed in various statutes, further noting that these statutes do not list the powers that units have under IC 36-1-3-4 (b)(2); therefore, the omission of a power from such a list does not imply that units lack that power; and

WHEREAS, IC 36-1-3-4 further provides that a unit has all powers granted it by statute as well as all other powers necessary or desirable in the conduct of its affairs, even though not granted by statute;

WHEREAS, The Town Council has determined that it would be desirable to establish a rainy day fund and to allow the fund to be used for all the lawful purposes set forth in IC 36-1-8-5; and

WHEREAS, The Town Council has determined that it is necessary, desirable and of great public benefit, to establish the fund herein referenced to support and carryout the lawful public purposes of the municipality; and

WHEREAS, It would be and is in the best interest of the Town of Highland to enact an ordinance as an amendment to the Highland Municipal Code in order to further perfect the operation of the Town;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. The Highland Municipal Code is hereby amended by adding a new Chapter to be numbered ____ and to be entitled: Rainy Day Fund, which shall read as follows:

RAINY DAY FUND

§ XXX.01 ESTABLISHMENT

- (A) There is hereby authorized, created and established a fund of the Town of Highland, to be called the Rainy Day Fund, pursuant to IC 36-1-8-5 et seq.
- (B) The Rainy Day Fund is dedicated and established to provide resources for accumulating funds for cash flow purposes and mitigating interest expense on tax anticipation warrants when tax revenues are not received in a timely manner and other purposes permitted by IC 36-1-8-5 as may be amended from time to time and as set forth in this code.
- (C) The sources of funding for the Rainy Day Fund may include the following:
 - (1) Unused and unencumbered funds governed under: IC 36-1-8-5; IC 6-3.5-1.1-21.1; IC 6-3.5-6-17.3; or IC 6-3.5-7-17.3.
 - (2) A residual equity transfer of unencumbered assets of the Self Insurance Fund and any other funding source specified in an ordinance adopted amending this section; and not otherwise prohibited by law.
- (D) The Rainy Day Fund is subject to the same appropriation process as other funds of the municipality that receive tax money.
- (E) In any fiscal year, the Town Council may transfer not more than ten percent (10%) of the town's total annual budget for that fiscal year, adopted under IC 6-1.1-17, to the Rainy Day Fund as authorized by IC 36-1-8-5.
- (F) The Town Council may adopt a subsequent ordinance restricting the funding sources for the Rainy Day Fund specified paragraph (C) (2) of this section.

- (G) The Rainy Day Fund is established until such time as the fund is repealed or rescinded by action of the Town Council.

§ XXX.02 PURPOSES, USES and PERMISSIBLE EXPENDITURES

- (A) Expenditures from the Rainy Day Fund shall only be used for temporary transfers to other funds of the town for cash flow purposes to meet debt service, payroll and monthly accounts payable when tax revenues are not received in a timely manner to mitigate interest expense on tax anticipation debt. Transfers from the Rainy Day Fund to other funds shall be characterized as interfund loans to be retired within at least one and one half years as prescribed by IC 36-1-4.
- (B) The affirmative vote of four (4) members of the Town Council may authorize a temporary or permanent transfer of assets of the Rainy Day Fund to another fund of the town for any lawful purpose authorized by state statutes.

§ XXX.03 EXPENDITURE UPON APPROPRIATION

Expenditures from the Rainy Day Fund may be made only upon appropriation by the fiscal body for the purpose for which the fund is specifically established, in the manner provided by statute for making other appropriations and shall be disbursed only on approved accounts payable vouchers allowed by the legislative body, all pursuant to IC 5-11-10 and IC 36-5-4.

§ XXX.04 INVESTMENTS AUTHORIZED

Money in the Rainy Day Fund may be invested provided that the yields from the purchase and sale of any such investments shall be deposited with the fund pursuant to IC 5-13-9 and Chapter 36 of the Highland Municipal Code.

§ XXX.05 PRESERVATION and DISPOSITION OF FUND ASSETS

All unused and unencumbered cash on deposit to the credit of the Rainy Day Fund do not revert to the corporation general fund nor to any other fund but shall remain with the Rainy Day Fund until such time as an ordinance is passed and approved by at least four (4) members of the Town Council which authorizes a transfer of any remaining unexpended, unencumbered assets of the fund, all pursuant to IC 6-1.1-41-5 and IC 36-1-8-5.

Section 2. All cash and investment assets of the Self Insurance Fund shall be completely liquidated and dissolved by the end of the 2007 fiscal year by a residual equity transfer to the Rainy Day Fund.

Section 3. Any and all such ordinances in conflict with the provisions of this ordinance are hereby repealed and are of no further force or effect.

Section 4. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive in the manner prescribed by IC 36-5-2-10(a).

Introduced and Filed on the 29th day of May, 2007. Consideration on same day or at same meeting of introduction was not sought, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this 11th day of June 2007 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of ___ in favor ___ opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Daniel E. Dernulc, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**ORDINANCE No. 1357
of the
TOWN of HIGHLAND, INDIANA**

An Ordinance to Amend Chapter 131 regarding the Ordinance Violations Bureau, Chapter 72 regarding Parking Regulations and a section in Chapter 73, Providing for the Enforcement Thereof, Repealing All Ordinances in Conflict Therewith, and Declaring an Emergency

WHEREAS, The Town Council has conducted a study and investigation as to the amendments to Chapter 131 of the Highland Municipal Code within the Town of Highland;

WHEREAS, The Town Council has conducted a study and investigation as to the amendments to Chapter 72 and a section of Chapter 73 of the Highland Municipal Code within the Town of Highland;

WHEREAS, I.C. 9-21-1 *et sequitur* authorizes the Town of Highland, through its Town Council as a local authority to adopt local regulations regarding traffic; and

WHEREAS, I.C. 9-21-1-3(a)(1) specifically authorizes the Town of Highland, through its Town Council as a local authority with respect to streets and highways under the town's jurisdiction and within the reasonable exercise of the police power to regulate the standing or parking of vehicles; and

WHEREAS, I.C. 33-36-3-1(b) specifically authorizes the Town of Highland, through its Town Council as a local authority to establish an ordinance violations bureau; and

WHEREAS, The Highland Town Council has determined that several relevant sections of Chapter 131 as it relates to Chapter 72 of the municipal code require amendments in order to further perfect the municipality's regulatory operation with such amendments being in the best interest of the Town of Highland;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That Chapter 131 of the Highland Municipal Code, shall be amended by deleting it in its entirety and then replacing it with a new Chapter to be called Ordinance Violations Bureau which shall read as follows:

CHAPTER 131: ORDINANCE VIOLATIONS BUREAU

Section

- 131.01 Established
- 131.02 Administrator of bureau
- 131.03 Payable fines declared
- 131.04 Failure to satisfy civil penalty or failure to deny or admit violation
- 131.05 Ordinance violation not constituting judgment
- 131.06 Schedule of code or ordinance violations

§ 131.01 ESTABLISHED

There is hereby established in the Office of the Clerk-Treasurer of the Town of Highland an Ordinance Violations Bureau for the acceptance of written appearances, waivers of trial, admissions of violations, and payment of civil penalties of not more than the statutory limit set forth in IC 33-36-2-3 (4).

§ 131.02 ADMINISTRATOR OF BUREAU.

The Clerk-Treasurer of the Town of Highland shall be the administrator of said Ordinance Violations Bureau and, pursuant to the IC 33-36-3, shall be authorized to accept the payments of fines pursuant to this chapter.

§ 131.03 PAYABLE FINES DECLARED.

(A) All local ordinance violations as hereinafter may be designated by proper schedule and identified throughout the several sections of this code, are hereby now determined to be payable offenses, subject to admission before the Violations Clerk, which shall be the Clerk-Treasurer or his designee, and each violator may elect to pay a fine directly to the Office of the Clerk-Treasurer, Ordinance Violations Bureau, without the necessity of appearing in court.

(B) If a person charged with a violation of a municipal ordinance or a code violation as hereafter may be designated, wants to exercise the right to trial, the persons shall appear before the Violations Clerk and deny the violation or enter a written denial with the clerk.

(C) A person charged with an ordinance or a code violation is entitled to a trial before a court as provided by law, unless the person waives the right to trial and enters an admission of the violation with the violations clerk. Upon an admission, the clerk shall assess and receive from the violator the amount prescribed by the schedule of civil penalties established under Section § 131.06 of this Code.

(D) Any person cited for violations of the ordinance or code provisions shall be entitled to pay the fine at the Violations Bureau within 30 days of the issuance of the citation.

(E) Any person paying a fine at the Ordinance Violations Bureau shall execute a waiver of right to trial and admission of the violation.

§ 131.04 FAILURE TO SATISFY CIVIL PENALTY OR FAILURE TO DENY OR ADMIT VIOLATION.

(A) The clerk shall report to the official having responsibility to prosecute ordinance violation cases for the municipal corporation, if a person:

- (1) Denies an ordinance or code violation subject to the provisions of I.C. 33-36; or
- (2) Fails to satisfy a civil penalty assessed by the Violations Clerk after having entered an admission of violation; or
- (3) Fails to deny or admit the violation subject to the provisions of I.C. 33-36.

(B) Proceedings in court shall then be initiated against the person for the alleged ordinance violation.

(C) If the citation has not been paid at the Violations Bureau within 30 days of the date of issuance, the violation shall be filed with the Clerk of the Highland Town Court and the matter will be set for initial appearance.

§ 131.05 ORDINANCE VIOLATION NOT CONSTITUTING JUDGMENT.

Except as otherwise provided, an ordinance violation admitted under this chapter does not constitute a judgment for the purposes of I.C. 33-37, and ordinance violation costs fee may not be collected from the defendant under I.C. 33-37-4. In addition, an ordinance violation processed by the bureau may not be considered for the purposes of IC 33-37-7-5 or IC 33-37-7-6 when determining the percentage of ordinance violations prosecuted in certain courts.

§ 131.06 SCHEDULE OF CODE OR ORDINANCE VIOLATIONS.

(A) *Building Code.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the Building Inspector, the Associate Inspectors, the officers of the Highland Police Department, or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§210.015 et seq.	Building Code Violations	\$20
§210.015 et seq.	Permit Violations	\$20
§210.015 et seq.	Stop work orders violations	\$50
§210.051 et seq.	Electrical permit & swimming pool violations	\$20
§210.065 et seq.	Plumbing permit violations	\$20
§210.091 et seq.	Contractor License violations	\$20
§210.110 et seq.	Unsafe Building violations	\$50

§210.125 et seq.	Building demolition violations	\$25
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(B) *General Regulations.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the Building Inspector, the Associate Inspectors, the officers of the Highland Police Department, the Public Works Director, the General Supervisor of Public Works or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§94.03	Various Nuisance violations	\$25
§94.20	Weed violations (per day)	\$20
§95.02(B)(10)	Fireworks: Discharging unapproved fireworks as defined by IC 22-11-14 et seq.	\$25
§112.20 et seq.	Amusement license violations (per machine)	\$50
§114.01 et seq.	Peddler and Solicitors violations	\$50
§ 170.03	Unlawful origin of solid waste	\$25
§ 170.04	Littering	\$25
§ 170.05	Open burning of garbage or rubbish	\$25
§ 170.06 (E)	Trash collection/pilfering violations	\$25
§ 170.06 (F)	Unauthorized collection of recyclables	\$25
§170.14	Abandoned refrigerators and appliances	\$25
§171.10 (B)	Sewage Disposal violations	\$50
§172.03	Bus bench violations	\$25
§172.38	Road cut violations	\$50

(C) *Park Regulations.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the Superintendent of Parks and Recreation, the Director of Parks, the officers of the Highland Police Department, or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§150.25	Defacing/destroying park property	\$25
§150.26	Bringing in Trees, Shrubs without authorization	\$25
§150.27 (A)&(B)	Littering or dumping trash/noxious materials	\$25
§150.27(C)	Littering or dumping trash	\$25
§150.28	Unauthorized introduction of Game/Unauthorized Fishing, hunting/ animal waste and pets on leash	\$25
§150.29	Fires, Ashes and the Like	\$25
§150.30	Firearms, Weapons, Explosives and throwing stones	\$25

§150.31	Sleeping and Camping	\$25
§150.32(A)	Park Traffic – parking and storage without payment of fee and overnight	\$25
§150.32(B)	Park Traffic – riding or operating vehicles in park	\$25
§150.32(C)	Park Traffic – riding or operating vehicles in park when closed or barricaded	\$25
§150.32(D)	Park Traffic –parking and storage only in parking designated lots	\$25
§150.32(E)	Park Traffic – vehicle and spot light shining into park	\$25
§150.32(F)	Park Traffic – 3/4 ton vehicle in park w/o special permit or authority	\$25
§150.33	Snowmobiles, Sledding, Skiing and Skating	\$25
§150.34	Golfing in parks	\$25
§150.34	Bows and Arrows prohibited	\$25
§150.36	Baseball play confined to designated areas and baseball diamonds	\$25
§150.37	Aircraft landing or alighting without a written permit	\$25
§150.38	Swimming bathing or wading	\$25
§150.39	Disturbing the peace	\$25
§150.40	Presence in park during hours of closing	\$25
§150.41	Alcohol and Drugs	\$25
§150.42	Gambling, Fortune telling, and the Like	\$25
§150.44	Use of facilities programs without proper fee	\$25
§150.45	Soliciting, Peddling, without a permit or authorized contract	\$25
§150.46	Dissemination and displays without permit	\$25
§150.48	Failure to comply with lawful orders of park/law enforcement personnel	\$25
§150.50	Use of moped, ATC and all terrain vehicles in parks	\$25

(D) *Parking / Non-Moving Violations.* The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the officers of the Highland Metropolitan Police Department, or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§72.04	Stopping, standing or parking near industrial plants gate	\$25
§72.05	Stopping, standing or parking on parkway	\$25
§72.06	Parking not to obstruct traffic	\$25
§72.06.01	Vehicles parked on sidewalks	\$25
§72.07	Parking in alleys	\$25
§72.08	Parking in front of public buildings and theaters	\$50
§72.10	Angle Parking	\$25
§72.12	Parking prohibited totally	\$50
§72.13	Truck parking	\$25
§72.14	Bus Loading Zones	\$25
§72.16	Parking prohibited during certain hours	\$25
§72.17	Fifteen minute parking	\$25
§72.18	Two-hour parking	\$25
§72.19	Special regulations for street work	\$25
§72.20	Special regulations for snow removal	\$25
§72.20.1	Parking during period of leaf collection	\$25
§72.24	Parking, storage or maintenance of certain vehicles in residential and commercial areas	\$50
§72.25	Parking without special permit display prohibited	\$100
§73.02	Snowmobile violations	\$50
§73.03	Parental responsibility for moped	\$25
§73.15	Moped violations	\$50

(E) *Fire Lane and Physical Disability Parking*. The Town Council of the Town of Highland, Lake County, Indiana, hereby establishes and designates the following fine schedule for ordinances that are subject to admission before a Violations Clerk in the Ordinance Violations Bureau, and subject to the enforcement jurisdiction of the officers of the Highland Metropolitan Police Department, **members of the Volunteers in Police Service (VIPS)** or any other person authorized or empowered to enforce the municipal codes of the Town of Highland:

Code Section	Violation	Fine
§72.09	Parking in fire lanes	\$50
§72.11	Parking for the physically handicapped	\$50

Section 2. That Section § 72.09 of the Highland Municipal Code, shall be amended by deleting it in its entirety and then replacing it with a new section to be numbered §72.09 and to be called *Parking in Fire Lanes* which shall read as follows:

§ 72.09 PARKING IN FIRE LANES.

(A) No person shall park or leave a vehicle in, on, or within a fire lane which is defined as a zone or area designated and prescribed as such by the Fire Chief of the town, acting in his capacity as a Deputy State Fire Marshal, or posted as such by signs on, in, or adjacent to said fire lanes.

(B) *Enforcement.* Subject to **IC 9-21-16-5.5**, the Highland Fire Chief, any officer of the Highland Metropolitan Police Department, a Code Enforcement Officer, the Building Commissioner **or members of the Volunteers in Police Service (VIPS)** may issue a citation for a violation of this section.

Section 3. That Section § 72.11 of the Highland Municipal Code, shall be amended by deleting it in its entirety and then replacing it with a new section to be numbered §72.11 and to be called *Parking for Persons with Physical Disabilities* which shall read as follows:

§ 72.11 PARKING FOR PERSONS WITH PHYSICAL DISABILITIES.

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PERSON WITH A PHYSICAL DISABILITY. A person who has been issued a placard under **I.C. 9-14-5** or a person with a disability registration plate for a motor vehicle, issued by the Bureau of Motor Vehicles under **I.C. 9-18-22**.

PLACARD, DECAL, DISPLAY OR PERMIT. (1) A parking permit for a person with a physical disability issued under **I.C. 9-14-5**; or (2) A disabled veteran's registration plate issued under **I.C. 9-18-18**; or (3) A registration plate or decal for a person with a physical disability issued under **I.C. 9-18-22**;

(B) Certain public parking spaces within the town shall be designated as "reserved" by posting immediately adjacent to and visible from the space or spaces, a sign erected and located in a manner that will not be obscured by a vehicle parked in the space, bearing the international symbol of accessibility. Such spaces shall include those designated in Chapter 75, Schedule II. Parking in these spaces shall be reserved solely for the use of the following:

- (1) Vehicles displaying an unexpired parking permit for a person with a physical disability; or
- (2) Vehicles displaying an unexpired disabled veteran's registration plate; or
- (3) Vehicles displaying an unexpired registration plate or decal for a person with a physical disability; or
- (4) Vehicles displaying an unexpired parking permit for a person with a physical disability, an unexpired disabled veteran's registration plate, or an unexpired registration plate or decal for a person with a physical disability issued under the laws of another state;

(C) Any person who parks a vehicle in a space reserved as described in Chapter 75, Schedule II and the vehicle does not display the permit, placard or registration plates described in division (B) of this section or a person who, in a parking space reserved for a person with a physical disability, parks a vehicle that displays the permit, placard or registration plates described in division (B) of

this section but is not at that time in the process of transporting a person with a physical disability or a disabled veteran, commits an offense.

(D) *Enforcement.* Subject to IC 5-16-9-11, the Highland Fire Chief, any officer of the Highland Metropolitan Police Department, a Code Enforcement Officer, the Building Commissioner, the Highland Park and Recreation Superintendent, Park Director, Public Works Director, General Supervisor of Public Works **members of the Volunteers in Police Service (VIPS)** may issue a citation for a violation of this section.

Section 4. That Section § 72.25 (H) of the Highland Municipal Code, shall be amended by deleting it in its entirety and replacing it with a section to be numbered §72.25(H) which shall read as follows:

§72.25(H) The authority for enforcement of this section is authorized for and vested in the officers of the Metropolitan Police Department, the Fire Chief, or any other person authorized and empowered to enforce the municipal codes of the town.

Section 5. That Section § 72.99 of the Highland Municipal Code, shall be amended by deleting it in its entirety and replacing it with a section to be numbered §72.99 and shall be called Penalty and which shall read as follows:

§ 72.99 PENALTY.

(A) Except as otherwise provided, any person, entity or organization who shall violate any provisions of this chapter shall be fined in the amount set forth in the designated schedule as a payable offense subject to admission before the Violations Clerk of the Ordinance Violation Bureau in the amount set forth in the Admissions Clerk Payable Offenses Schedule in § 131.06.

(B) If such persons, entity or organization shall violate any provisions of this chapter, and there is a failure to satisfy the civil violation as set forth in Chapter 131 of this code, then such violations shall be construed as justiciable offenses and shall be subject to a fine of not less than \$50 per violation, nor more than \$2,500. Each day of such unlawful activity as is prohibited shall be deemed a separate offense.

(C) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provided in § 70.99.

Section 6. That Section § 73.30 of the Highland Municipal Code, entitled *Use of Passenger Restraint Systems* shall be amended by deleting it in its entirety.

Section 7. This ordinance shall become and be in full force and effect from and after the date of its passage and adoption upon its signature by the executive and publication in the manner prescribed by IC 36-5-2-10(a)&(b).

Introduced and Filed on the 29th Day of May 2007. Consideration on the same day or at same meeting of introduction was not considered pursuant to IC 36-5-2-9.8.

DULY ORDAINED AND ADOPTED this _____ Day of _____ 2007, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Daniel E. Dernulc, President (IC 36-5-2-10)

ATTEST:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

ORDINANCE No. 1358
of the
TOWN of HIGHLAND, INDIANA

AN ORDINANCE to AMEND PROVISIONS IN THE COMPENSATION and BENEFITS ORDINANCE.

WHEREAS, Title 36, Article 1 Chapter 4 of the Indiana Code confers certain general corporate powers on the several units of government in Indiana;

WHEREAS, Section fifteen of that chapter specifically provides that a unit of government may fix the level of compensation of its officers and employees; and

WHEREAS, I.C. 36-5-3-2 further provides in pertinent part that the town legislative body shall provide reasonable compensation for the other town officers and employees;

WHEREAS, I.C. 36-5-3-2(b), still further provides that the Town Legislative body shall, by ordinance fix the compensation of its own members and the Town Clerk-Treasurer;

WHEREAS, I.C. 36-5-3-2(c) still further provides that the compensation of an elected town officer may not be changed in the year for which it is fixed, nor may it be reduced below the amount fixed for the previous year; and

WHEREAS, The Town Council of the Town of Highland has been advised that modification to certain provisions of the Compensation and benefits Ordinance more commonly referred to as the Municipal Employees Handbook, would be desirable;

WHEREAS, The Town Council of the Town of Highland, as the town legislative body, now desires to modify certain provisions and to further perfect the wage and salary as well as the Compensation and Benefits ordinance,

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Town Council of the Town of Highland, Lake County, Indiana, that the Compensation and Benefits Ordinance be amended and modified, pursuant to the provisions indicated herein and as follows:

Section 1. That Ordinance No. 1053, first passed and adopted December 30, 1996, known as the Compensation and Benefits Ordinance, commonly called the Employee Handbook, as amended, from time to time, be further amended by repealing in their entirety those provisions beginning with the heading styled *Group Insurance* of the Compensation and Benefits Ordinance as amended, then substituting in its stead these provisions which shall now read as follows:

Group Insurance

The Town reserves the right to change alter, modify, or cancel the insurance plan coverage with or without notification. The Town provides full-time employees and the clerk-treasurer with a group insurance plan after an employee or the clerk-treasurer has completed at least thirty (30) days on the job. The coverage begins on the first of the month after the successful completion of the first thirty (30) days of employment. For specific details on the type and extent of coverage, please refer to the plan document, which will be provided at the time of enrollment.

Town Council Member Eligibility

The Town will not pay the premiums for the members of the Town Council for participation in any group insurance plans. However, the Town Council members are eligible to participate in the group insurance plans of the Town at their own expense for the cost of the premiums.

IRC Section 125 "Flex Plan"

The Town of Highland will provide a "full flex" plan pursuant to and as outlined in § 125 of the Internal Revenue Code. The plan will provide for conversion of employee premiums for group health insurance provided by the Town as employer. It will further provide for election by covered employees and officials to convert a medical reimbursement account and a dependent care reimbursement account. The governing body may from time to time adopt third party services agreements to carry out portions of the plan. Details of the plan shall be maintained as a plan document and retained on file.

High Deductible Health Insurance Option in Support of Health Savings Accounts (H S A)

The Town of Highland will provide a HIGH DEDUCTIBLE option in our group health insurance to support worker establishment of Health Savings Account pursuant to and as outlined in the relevant sections of the Internal Revenue Code. The plan option will only be available to full-time employees and the Clerk-Treasurer who may elect the higher deductible option for the group health insurance plan.

The Town of Highland as employer will make a financial contribution to the individual health saving account of the employee or Clerk-Treasurer that elects to participate. The employee or Clerk-Treasurer must not be covered by any other group health insurance plan. Details of the plan shall be maintained as a plan document and retained on file. The financial contribution will be paid in quarterly installments and be based upon the high deductible group health plan elected by the participating employee or clerk-treasurer as follows:

- Individual Plan: \$225.00 quarterly (\$ 900)
- Adult Couple Plan: \$300.00 quarterly (\$1,200)
- Parent Plan: \$250.00 quarterly (\$1,000)
- Family Plan: \$375.00 quarterly (\$1,500)

Employee Contribution for Certain Group Insurance Premiums

All full-time employees and the Clerk-Treasurer shall share the cost of the group health premium, which are to be paid through a salary reduction (payroll deduction) taken as a pre-tax payment according to the terms of a duly authorized IRC Section 125 Plan for the Town of Highland. The amount of the shared premium shall be fixed by ordinance as may be passed from time to time. All employees and elected officers may elect to include dependents under their group coverage.

All full-time employees and the Clerk-Treasurer who elect to participate in the group medical or health insurance shall pay the identified share of the group premium based upon the type of enrolled coverage selected by the employee or the clerk-treasurer for the duration of such coverage. The identified share of the group premium will be calculated as a percentage share of the annual gross base wage or salary of the covered employee, *excluding* longevity or overtime and then fixed as a flat amount to be paid bi-weekly, according to the following schedule:

Group Health Employee Premium Share Schedule of Fees

Employee (single) alone:	1.0%
Employee with child(ren):	2.0%
Employee with Spouse:	2.0%
Employee w/ Spouse & Child(ren)	3.0%

Group Plan Dental Insurance

The Town will provide a dental insurance plan for all full-time employees and the clerk-treasurer.

Group Dental Employee Premium Share Schedule of Fees

Group dental plans have no required additional fee participation by full-time employees or the Clerk-Treasurer.

Group Life and AD & D Employee Premium Share Schedule of Fees

All employees and the Clerk-Treasurer shall pay \$1.00 per year toward the premiums for their group life insurance coverage.

Town Council members who elect dependent coverage, shall pay in full the appropriate premium corresponding for such coverage.

Group Plan Insurance for Deceased Employee's Dependent Family

The Town will respond in one of the following ways, as directed by the deceased employee's dependent

family:

Option 1. The Town will pay premiums up to include two (2) full months following the date of the death month of the employee for the decedent's dependent family. Thereafter, additional coverage will be available under the terms of the COBRA law.

Option 2. The Town will allow a conversion of the equivalent economic value of the benefit described in option one, based upon the cost of the health/medical insurance premium that decedent's dependent family would be granted under option one, and permit the value to be applied to the dental insurance benefit that may be in force and available at the time. This would be in lieu of the Town paying the medical/health and other insurance benefits offered in option one. The Town will then pay the premiums for the dental plan as elected under the terms of COBRA. Once the converted value was extinguished, the dependent would be then required to pay premiums for coverage remaining under COBRA provisions.

Any such conversion will be adjusted for any time that may have lapsed from the date of the death month of the employee for the decedent's dependent family and the notification of the election of option two.

However, any additional benefit which may be offered under the terms of any dental plan then in effect would still be extended without modification or reduction to the benefit of this option.

The Clerk-Treasurer shall have authority to implement and administer this benefit policy, as adopted, including implementing the provisions related to the employee group premium co-payment, all in accordance with IC 36-5-6 et seq.

Extension of Group Insurance Plan Coverage for Terminated or Separating Employee

Employees who separate from employment for any reason and who elect to continue their group insurance plan coverage according to the terms of the insurance company contract, must pay insurance premiums under the terms of the COBRA law. Such electing employees shall pay the actual cost of the premium plus a two percent (2%) service fee. Payment must be made to the Clerk-Treasurer prior to the 5th day of each month for the month's insurance. If payment is not received by the fifth day of the month, the premium will not be paid for that month. **No notices of payment due will be sent to separating employees.**

The Clerk-Treasurer shall have authority to implement and administer this benefit policy, as adopted, including implementing the provisions related to the employee group premium co-payment, all in accordance with IC 36-5-6 et seq.

Section 3. (A) That an emergency exists for the immediate taking affect of this Ordinance, which, subject to the provisions of this ordinance, shall become effective and shall remain in full force and effect from and after the date of its passage and adoption, pursuant to any effective dates herein described and until its repeal or amendment by subsequent enactment;

(B) That the Clerk-Treasurer shall have authority to compile the several modifications to the Compensation and Benefits Ordinance, including those provisions adopted herein, in order to reconstitute the Employees' Handbook into a less ungainly compilation, that conforms to the substantive texts of the existing ordinance as amended, and present it to the Town Council for reauthorization, ratification and adoption.

Introduced and Filed on the 29th day of May 2007. Consideration on same day or at same meeting of introduction was not considered, pursuant to IC 36-5-2-9.8.

DULY ORDAINED and ADOPTED this _____ Day of _____, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of _____ in favor and _____ opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Daniel E. Dernulc, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)